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#8/reconsideration
(NE)
8-6-03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pitts
Serial Number: 09/970,587
Filed: 10/04/2001
Group Art Unit: 3682
Examiner: Charles, Marcus
Title: ELEVATOR BELT ASSEMBLY WITH NOISE
REDUCING GROOVE ARRANGEMENT
Attorney Docket Number: 60,469-053; OT-4987

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REQUEST FOR RECONSIDERATION

Box AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on June 2, 2003.

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Applicant respectfully requests reconsideration of this application where claims 15, 16, 19 and 21-27 are currently pending.

The rejections under 35 U.S.C. §103 do not establish a *prima facie* case of obviousness because there is no motivation to go against the express teachings of JP 8-247221. As previously pointed out, that reference specifically and repeatedly teaches equal spacing between grooves. The proposed substitution of different spacing from *Miranti, Jr.* undoes the intended result of the JP reference. There is no motivation to make a combination where the change provides an opposite result from that provided by the primary reference.

Additionally, even if the proposed combination could be made, the result is not the same as claims 22 and 25. The combination of references is void of any mention of having different angles along different portions of the grooves and there is absolutely nothing within

the teachings of the art for doing so as claimed. The Examiner's reliance on such an arrangement being "a matter of design choice" is based on hindsight reasoning, at best. At a minimum, the Examiner must withdraw the rejection of those two claims.

Applicant has not received an initialed version of the PTO/SB/08 form submitted with the Information Disclosure Statement filed with the last response. Applicant wants to be sure that the record is complete and requests an acknowledgement that the Examiner has considered the submitted information.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

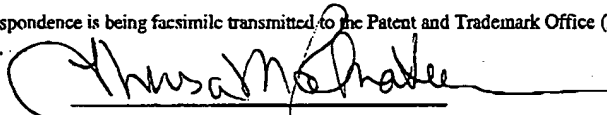


August 4, 2003
Date

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on August 4, 2003.


Theresa M. Palmateer

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